

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 02/23/2024
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ERNEST ANDRADE-BARTELDES,

Plaintiff,

-v-

JOSE VALENCIA ET AL.,

Defendants.  
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23-cv-00495 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Ernest Andrade-Barteldes, a certified class of professors or instructors, and a conditionally certified collective of professors and instructors (together the “Class”), move, Dkt. No. 74, pursuant to 18 U.S.C. § 401 for an Order granting the Class’s Motion to Hold Defendants in Civil Contempt for their failure to comply with the Court’s Order on December 4, 2023, Dkt. No. 61, which required Defendants to produce a class list within twenty-one days. On February 23, 2024, the Court held a conference to discuss the motion at which Class Counsel appeared, but none of Defendants appeared. This Order memorializes the Court’s holdings at that conference.

The Motion to Hold Defendants in Civil Contempt is GRANTED. The Court’s December 4, 2023 Order was clear and unambiguous in its direction to Defendants to produce the class list. Plaintiff asserts, and Defendants do not contest, that Defendants have failed to produce the list in clear contravention of the Court’s Order. Further, Defendants have presented no evidence that they have diligently attempted to comply with the Court’s Order in a reasonable manner. *See, e.g., King v. Allied Vision, Ltd.*, 65 F.3d 1051, 1058 (2d Cir. 1995) (“[A] movant

must establish that (1) the order the contemnor failed to comply with is clear and unambiguous, (2) the proof of noncompliance is clear and convincing, and (3) the contemnor has not diligently attempted to comply in a reasonable manner.”).


Defendants are directed to come into compliance with the Court’s December 4, 2023 Order by March 18, 2024. If Defendants fail to come into compliance with the Court’s Order by March 18, 2024, contempt sanctions in the amount of \$1,000 per diem will begin to toll on that date. If Defendants come into compliance on or before March 22, 2024, they will be relieved of the obligation to pay any sanctions that have already tolled. Any such sanctions will be paid to the Clerk of Court.

Class Counsel is directed to serve this Order on Defendants at the addresses discussed at the conference. Class Counsel is further directed to update the Court as soon as practicable if they become aware of any effort made by Defendants to come into compliance with the Court’s December 4, 2023 Order.

The Clerk of Court is respectfully directed to close Dkt. No. 74.

SO ORDERED.

Dated: February 23, 2024  
New York, New York

  
LEWIS J. LIMAN  
United States District Judge